

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Judge Hawkins, Jr.

Docket No. 4:11-CR-54-1D

Petition for Action on Supervised Release

COMES NOW Dwayne K. Benfield, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Judge Hawkins, Jr., who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable Henry Coke Morgan, Jr., U.S. District Judge, on June 6, 2007, to the custody of the Bureau of Prisons for a term of 52 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 U.S.C. § 3563(a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.
2. Upon the defendant's release onto supervised release, the court reserves the right to order the defendant to pay child support payments.
3. The defendant is prohibited from being employed in any position, unsupervised, giving him access to any residential or business premises during his period of supervised release.

Judge Hawkins, Jr., was released from custody on October 20, 2010, at which time the term of supervised release commenced. On January 3, 2011, a Notice of Violation was issued to the Eastern District of Virginia reporting that the defendant tested positive for marijuana on December 13, 2010. Jurisdiction was transferred to the Eastern District of North Carolina effective May 23, 2011.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On April 15, 2011, the releasee submitted a urine sample that yielded a positive result for marijuana. When confronted with the results of the urine test, Hawkins admitted that he used marijuana on April 11, 2011.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew from 7:00 p.m. to 6:00 a.m., or as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.


Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: May 31, 2011

ORDER OF COURT

Considered and ordered this 5 day of June, 2011, and ordered filed and made a part of the records in the above case.



James C. Dever III
U.S. District Judge